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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

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**FILE: B-189755**

**DATE: October 20, 1977**

**MATTER OF: Corvallis Aero Service, Inc.**

**DIGEST:**

Small business's protest of agency's finding that it is nonresponsible is dismissed where matter has been referred to SBA for final disposition under Section 501 of P.L. 95-89.

Corvallis Aero Service, Inc. (Corvallis), a small business, has protested the U.S. Department of Agriculture, Forest Service's determination that Corvallis has been unable to demonstrate its responsibility to perform under solicitation No. R6-77-137 for helicopter services.

Section 501 of P.L. 95-89, 91 Stat. 561, amending Section 6(b) of the Small Business Act of 1958, states that the Small Business Administration (SBA) is empowered in its discretion.

"To certify to Government procurement officers and officers engaged in the sale and disposal of Federal property, with respect to all elements of responsibility, including but not limited to capability, competency, capacity, credit, integrity, perseverance, and tenacity, of any small business concern or group of such concerns to receive and perform a specific Government contract. A Government procurement officer or an officer engaged in the sale and disposal of Federal property may not, for any reason specified in the preceding sentence, preclude any small business concern or group of such concerns from being awarded such contract without referring the matter for final disposition to the Administration."

The Forest Service has advised us that the matter has been referred to SBA for final disposition.

Accordingly, the protest is dismissed.

*Milton F. Fowler*  
for Paul G. Dembling  
General Counsel